

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Irving “Ernie” Ramirez,	)	
	)	
Plaintiff,	)	Civil Action No. 1:14-3217-TMC
	)	
vs.	)	<b>ORDER</b>
	)	
Anderson County Sheriff’s Office,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Irving “Ernie” Ramirez, a state prisoner represented by counsel, filed this action pursuant to 42 U.S.C. § 1983.<sup>1</sup> Defendant removed this action from the Anderson County Court of Common Pleas. (ECF No. 1). Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court grant Defendant’s Motion for Summary Judgment (ECF No. 18) in regard to Plaintiff’s federal claims and decline to exercise supplemental jurisdiction over any state law claims. (ECF No. 23). Plaintiff was advised of his right to file objections to the Report. (ECF No. 23 at 7). Plaintiff, however, filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections to the Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

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<sup>1</sup>In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02, DSC, this matter was initially referred to a magistrate judge.

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review, the court finds no clear error and, therefore, adopts the Report and incorporates it herein by reference. Therefore, Defendant’s Motion for Summary Judgment (ECF No. 18) in regard to Plaintiff’s federal claims is **GRANTED**; and the court declines to exercise supplemental jurisdiction over any state law claims and remands those claims to the Anderson County Court of Common Pleas.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

August 12, 2016  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.